

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 216 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO
1 to 5 No
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PANKAJKUMAR RAMESHCHANDRA RANA

Versus

GULADAS KALYANDAS RANA

Appearance:

MR YN OZA for Petitioners

MR SN SHELAT for Respondent No. 1, 2, 3, 4, 5, 6,
7, 8, 9,10,11,12,13,14,15,16,17,18,19

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 01/08/2000

C.A.V. JUDGEMENT

Heard the learned counsel for the parties. The
appeal is preferred from the judgment and order of the
learned Civil Judge (S.D.), Navsari dated 27.10.1986

whereby the application of the appellant to restore the suit dismissed for default was rejected. The learned advocate for the appellant has not substantiated any of the grounds of appeal in his oral submissions. The impugned order has taken into consideration the fact that adjournment was sought by the appellant - original plaintiff- on the ground of his mother's illness. Regardless of the merits of that application, the Court had offered to the advocate of the appellant that hearing could be adjourned by two or three days, but he had refused to take such adjournment and consequently the adjournment application was rejected and the suit was dismissed. On evidence, it was found that there was no sufficient cause for the plaintiff not to attend the Court on the date of hearing of the suit.

2. The respondent No.1 herein has filed an affidavit-in-reply according to which, in a succession of proceedings, the rights of the respondent as against the appellant have been confirmed. It is alleged by the respondent that the present proceedings are nothing but a mala fide attempt on the part of the appellants to keep the candle of litigation burning with the ulterior motive of harassing the respondent.

3. Under these circumstances, there is no substance in the appeal and, therefore, the same is dismissed with no order as to costs.

Sd/-

(KMG Thilake)

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